

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 07-297(8) (DWF/JSM)

Plaintiff,

v.

**ORDER AND MEMORANDUM**

Obuatawan Leon Holt,  
a/k/a Oba, a/k/a Bone,

Defendant.

Defendant Obuatawan Leon Holt has moved, pursuant to 18 U.S.C. § 3582(c), for a sentence reduction from 122 months to 120 months, representing a mandatory minimum sentence of 120 months, under the revised and retroactive amendments to the United States Sentencing Guidelines applicable to crack cocaine cases. (Doc. No. 654.) The Government does not oppose the motion.

Based upon the presentations of the parties, and the Court having reviewed the contents of the file, having consulted with the U.S. Probation and Pretrial Services Office, as well having reviewed the sentencing transcript in this matter—45 pages in length—and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

## ORDER

1. Defendant's Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c) (Doc. No. [654]) is **GRANTED**. Consequently, the Defendant's sentence is reduced to 120 months.
2. All other conditions, including the five-year term of supervised release, shall remain in effect.
3. The attached Memorandum is made a part hereof.

Dated: January 11, 2012

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge

## MEMORANDUM

On April 2, 2009, the Court imposed a sentence of 122 months with the Bureau of Prisons. The Court has now reduced that to 120 months.

However, the Court would simply observe, that contrary to the memorandums submitted by the parties, the transcript clearly establishes the basis for the Court's reduction of sentence.

It was the intent of the Court to impose a 212-month sentence. The Court then granted a 33 percent reduction based upon the cooperation of the Defendant, which resulted in a reduction to 142 months. The Court then, consistent with similarly situated

co-defendants in the case, granted the Defendant an additional 20-month reduction pursuant to § 5K2.23 because that departure captured the approximate time the Defendant was incarcerated on the prior convictions which were considered relevant to the instant offense and did affect the computation of the applicable advisory Guidelines without diminishing the seriousness of the offense. The United States Probation Officer calculated the total period of state incarceration to be approximately 28 months. However, with the benefit of serving only two-thirds of his time with the Minnesota Department of Corrections, the Defendant served approximately 20 months of incarceration. The Court then deducted, based upon that departure, an additional 20 months, which resulted in a sentence of 122 months.

The Court has now granted Defendant's motion and imposed the mandatory minimum sentence of 120 months.

D.W.F.